

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION**

K. P., by and through her legal parent and natural )  
guardian, Vicki Peoples; VICKI PEOPLES, )  
individually; J. B., by and through his legal )  
parents and natural guardians, Luz Marina Avila )  
and Roberto Medina; and LUZ MARINA AVILA, )  
individually; and ROBERTO MEDINA, )  
individually; )  
Plaintiffs, ) ) Case No. 1:07-CV-205 TS  
v. ) )  
WAL-MART STORES, INC. and )  
PACIFIC CYCLE, INC., )  
Defendants. )

**OPINION AND ORDER**

Defendants, Pacific Cycle, Inc., and Wal-Mart Stores, Inc., by counsel, filed a Motion to Sever (Docket # 10), and the Plaintiffs have withdrawn their Objection to that motion (Docket # 56). Consequently, the Court now finds that the Motion should be granted. Moreover, as Federal Rule of Civil Procedure 21 provides, in pertinent part: "On motion or on its own, the court may at any time, on just terms, add or drop a party. The court may also sever any claim against a party." The parties apparently recognize that continued joinder of the plaintiffs is inappropriate given what has been disclosed in discovery to date, and furthermore, that continued joinder will inevitably prove to be not only distracting and confusing, but also prejudicial.

Accordingly, since it appears that the claims of the plaintiffs can be tried more conveniently in separate actions, and to avoid any prejudice to the litigants, this order will direct that J. B., by and through his legal parents and natural guardians, Luz Marina Avila and Roberto

Medina; and Luz Marina Avila, individually; and Roberto Medina, individually, be dropped from this case with the Clerk to open a separate case for their claims in accordance with Federal Rule of Civil Procedure 20(b).

IT IS THEREFORE ORDERED that the Plaintiffs, J. B., by and through his legal parents and natural guardians, Luz Marina Avila and Roberto Medina; and Luz Marina Avila, individually; and Roberto Medina, individually, are hereby dismissed. THE CLERK IS DIRECTED to open a separate case for them with the Amended Complaint from this case and to place copies of all pertinent filings from this case in the appropriate new case. THE CLERK IS FURTHER DIRECTED to assign the newly opened case to the same judge assigned to this case.

Dated: March 12, 2008

s/Roger B. Cosby  
Roger B. Cosby  
United States Magistrate Judge